

EL 991954106 US

PTO/SB/26 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT**Docket Number (Optional)
3078/US/04

In re Application of: Jay Cunningham et al.

Application No. 10/016,146

Filed: December 10, 2001

For: *αvβ3 INTEGRIN ANTAGONISTS IN COMBINATION WITH CHEMOTHERAPEUTIC AGENTS*

The owner*, Pharmacia Corporation of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,372,719. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney of record.

March 31, 2004

Signature

Date

James E. Davis, Reg. No. 47,516

Typed or printed name

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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*Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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04/05/2004 BABRAHA1 00000111 10016146

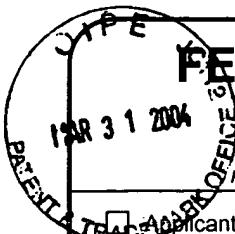
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Approved for use through 07/31/2006, OMB 0651-0032
 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$110.00

Complete if Known

| | |
|----------------------|---------------------------------|
| Application Number | 10/016,146 |
| Filing Date | December 10, 2001 |
| First Named Inventor | Jay Cunningham, et al. |
| Examiner Name | Phyllis G. Spivak |
| Art Unit | 1614 |
| Attorney Docket No. | 3078/US/O4 (6794-000094/US/COC) |

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Other None
 Order

Deposit Account:

Deposit Account Number

Deposit Account Name

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|--|--------------|----------|----------|----------|----------|--|----------|
| | | 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| | | 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| | | 1053 | 130 | 1053 | 130 | Non-English specification | |
| | | 1812 | 2,520 | 1812 | 2,520 | For filing a request for reexamination | |
| | | 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| | | 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| | | 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| | | 1252 | 420 | 2252 | 210 | Extension for reply within second month | |
| | | 1253 | 950 | 2253 | 475 | Extension for reply within third month | |
| | | 1254 | 1,480 | 2254 | 740 | Extension for reply within fourth month | |
| | | 1255 | 2,010 | 2255 | 1,005 | Extension for reply within fifth month | |
| | | 1401 | 330 | 2401 | 165 | Notice of Appeal | |
| | | 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal | |
| | | 1403 | 290 | 2403 | 145 | Request for oral hearing | |
| | | 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| | | 1452 | 110 | 2452 | 55 | Petition to revive – unavoidable | |
| | | 1453 | 1,330 | 2453 | 665 | Petition to revive – unintentional | |
| | | 1501 | 1,330 | 2501 | 665 | Utility issue fee (or reissue) | |
| | | 1502 | 480 | 2502 | 240 | Design issue fee | |
| | | 1503 | 640 | 2503 | 320 | Plant issue fee | |
| | | 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| | | 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17 (q) | |
| | | 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| | | 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| | | 1809 | 770 | 2809 | 385 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| | | 1810 | 770 | 2810 | 385 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| | | 1801 | 770 | 2801 | 385 | Request for Continued Examination (RCE) | |
| | | 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |
| <i>Other fee (specify) Terminal Disclaimer to Obviate a Double Patenting Rejection over a Prior Patent</i> | | | | | | | |
| \$110.00 | | | | | | | |

**or number previously paid, if greater; For Reissues, see above

Express Mail 991954106

| SUBMITTED BY | | Complete (if applicable) | | | |
|-------------------|----------------|----------------------------------|--------|----------------|--------------|
| Name (Print/Type) | James E. Davis | Registration No. Attorney/Agent) | 47,516 | Telephone | 314-726-7500 |
| Signature | | | Date | March 31, 2004 | |

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